

BILL ANALYSIS

S.B. 1754
By: Huffman
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that a person who takes or attempts to take a weapon from certain officers, investigators, employees, or officials may be charged with an offense but that a conviction is contingent on the person acting with the intention of harming another person. There are concerns that the requisite intent for this offense is too narrow in scope and does not provide for adequate prosecution of these incidents. S.B. 1754 seeks to address this issue by removing the requisite intent for such an offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1754 amends the Penal Code to remove the requisite intent for the offense of taking or attempting to take a weapon from a peace officer, federal special investigator, employee or official of a correctional facility, parole officer, community supervision and corrections department officer, or commissioned security officer that the actor took or attempted to take the weapon with the intention of harming the officer, investigator, employee, or official or a third person.

EFFECTIVE DATE

September 1, 2019.